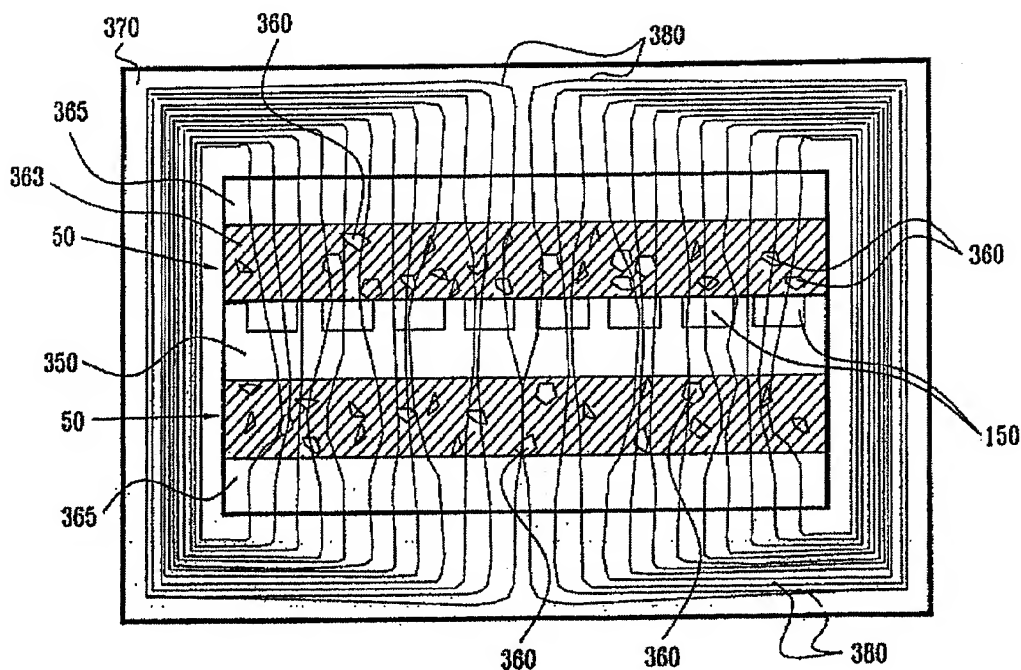


Remarks

The non-final Office Action dated April 16, 2008 lists the following rejections: claims 1-11 and 13-22 stand rejected under 35 U.S.C. § 103(a) over the Kommerling reference (U.S. Patent Pub. 2001/0033012) in view of the Anthony reference (U.S. Patent 6,404,647), further in view of the Minakata reference (U.S. Pub. 2001/0005011) and still further in view of IBM Technical Disclosure Bulletin Vol. 33 (the IBM reference); and claim 12 stands rejected under 35 U.S.C. § 103(a) over Kommerling in view of Anthony, Minakata, and the IBM reference and still in further view of the Matsumoto reference (U.S. Patent 6,194,888).

Applicant respectfully traverses the § 103(a) rejections of claims 1-22 (each of which is based upon a proposed modification of the Kommerling reference) because the proposed modification would render Kommerling inoperable. According to M.P.E.P. § 2143.01, "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. " *See also In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). In this instance the Office Action first proposes to modify Kommerling such that there are a plurality of magnetic memory cells located in encapsulation 50, which surrounds the device substrate 350 on both sides. *See, e.g.*, Figure 5B reproduced below and Paragraph 0112.

FIG. 5B



The Office Action then proposes to further modify Kommerling such that the magnetic field generated by magnetic device 365 (which are provided above and below the encapsulation layers 50 that will contain the magnetic memory cells) is sufficiently strong to alter the logic states of the magnetic memory cells. The Kommerling reference, however, teaches that the plates 365 and the encapsulation 50 are surrounded by an outer casing 370 of soft magnetic material that confines the magnetic field generated by the plates substantially within the casing 370. *See, e.g.*, Paragraph 0114. As such, Applicant submits that if one were to modify Kommerling so that the magnetic field generated by the plates 365 was strong enough to alter the logic states of the magnetic memory cells Kommerling would be rendered inoperable because the memory cells would be continuously exposed to the magnetic field thereby rendering the memory cells incapable of storing data. Thus, there is no motivation for the skilled artisan to modify the

Kommerling reference in the manner proposed by the Office Action. Accordingly, the § 103(a) rejections of claims 1-22 are improper and Applicant requests that they be withdrawn.

Applicant further traverses the § 103(a) rejections of claims 1-22 because the Office Action fails to present a valid reason why the skilled artisan would modify the Kommerling reference so that the magnetic field generated by magnetic device 365 is sufficiently strong to alter the logic states of the memory cells. Applicant submits that the skilled artisan, having common sense at the time of the invention, would not have reasonably looked to the IBM reference to solve a problem already solved by Kommerling. Applicant notes that several recent Board decisions citing *KSR* have reversed Examiners' obviousness rejections based on such reasoning. The Office Action asserts that the skilled artisan would perform such a modification "for the benefit of providing a tamper-proof storage medium." *See* page 4 of the instant Office Action. Kommerling, however, already provides an encrypted tamper resistant storage medium. For example, Kommerling teaches that the contents of memory 110 are encrypted/decrypted using an encryption key 160 that is derived from the properties 140 detected by sensors 150 which are responsive to properties 170 of an encapsulation 50 that surrounds the circuit. *See, e.g.*, Figure 1 and Paragraphs 0062-0063. The sensors 150 can be magnetic field sensors which measure the magnetic properties of the encapsulation 50 and any attempt to remove the outer shield 370 will change the distribution of the magnetic field and thus change the properties sensed by the sensors 150 making it impossible to read the decryption key and thus impossible to decrypt the contents of the memory. *See, e.g.*, Paragraphs 0112-0116. As such, Kommerling already provides a "tamper-proof storage medium". Thus, the skilled artisan would not have reasonably looked to the IBM reference to solve a problem already addressed by Kommerling.

In view of the above, the Office Action fails to provide a valid reason for the proposed modification of Kommerling. Accordingly, the § 103(a) rejections of claims 1-22 are improper and Applicant requests that they be withdrawn.

Applicant further traverses the § 103(a) rejection of claim 2 because the cited portions of Kommerling do not correspond to aspects of the claimed invention directed to

the IC package and the magnetic device being arranged to direct the local magnetic field away from the plurality of mini magnets. The Office Action erroneously asserts that the magnetic field generated by plates 365 is contained within outer casing 370 away from the memory 110 shown in Figure 1A. Kommerling, however, teaches that the memory 110 is located in the encapsulation 50 (*see, e.g.*, Figure 1A), which is surrounded along with the plates 365 by the outer casing 370 as shown in Figure 5B reproduced above (*see, e.g.*, paragraph 0114). Thus, Kommerling's memory 110 is located within outer casing 370 where the magnetic field is confined. As such, Kommerling does not teach that outer casing 370 directs the magnetic field away from the memory 110. Accordingly, the § 103(a) rejection of claim 2 is improper and Applicant requests that it be withdrawn.

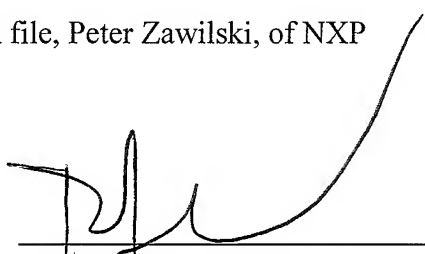
Applicant further traverses the § 103(a) rejection of claim 6 because the cited portions of Kommerling do not correspond to aspects of the claimed invention directed to the magnetic device being located adjacent the bottom side of the device and the plurality of mini magnets located in the top side of the device. The cited portions of Kommerling teach that the plates 365 (*i.e.*, the Office Action's alleged magnetic device) are provided both above and below the encapsulation layers 50 that contain the memory 110. *See, e.g.*, Figure 5B and Paragraph 0113. Thus, Kommerling does not teach that the plates 365 are located in the bottom side of the device and that the memory 110 is located in the top side of the device. Accordingly, the § 103(a) rejection of claim 6 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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